

CITY OF MINNEAPOLIS CIVIL RIGHTS COMMISSION



AN OVERVIEW OF THE MINNEAPOLIS COMMISSION ON CIVIL RIGHTS

The Minneapolis Commission on Civil Rights was first established by ordinance in 1947, and then re-established in 1975 for the purpose of carrying forward the policies of the City in the field of human relations, to promote civil rights, and to enforce the provisions of the Minneapolis Civil Rights Ordinance. Minneapolis Code of Ordinance, 12-30-75 § 7.

The Commission meets: third Monday of every month [except for holidays] at 6 p.m., at City Hall, 350 South Fifth St., Room 241, Minneapolis, MN. All meetings are open to the public, unless a closed meeting is called, pursuant to state law.

Findings, Policy and Purpose

It is the policy of the City of Minneapolis that discrimination in employment, labor union membership, housing accommodations, property rights, education, public accommodations, and public services based on race, color, creed, religion, ancestry, national origin, sex, including sexual harassment, sexual orientation, disability, age, marital status, or status with regard to public assistance or familial status adversely affects the health, welfare, peace, and safety of the community. Such discriminatory practices degrade individuals, foster intolerance and hate, and create and intensify unemployment, substandard housing, under-education, ill health, lawlessness and poverty, thereby injuring the public welfare. Minneapolis Code of Ordinance, Section 139.10.

Mission

- Seek to prevent and eliminate bias and discrimination in the City of Minneapolis;
- Provide leadership in the area of civil rights;
- Encourage and educate the public in the promotion of civil rights;
- Identify principal civil rights concerns of the community members; and set priorities and objectives;
- Advise the Mayor, City Council, City agencies and departments on civil rights matters;
- Conduct research and studies to best carry out the objectives of the Civil Rights Ordinance;
- Adjudicate complaints of discrimination occurring in the City of Minneapolis.

Commission Membership

Composition and Qualifications: The commission consists of twenty-one volunteer members, all of whom are persons known to favor the principles of equal opportunity, nondiscrimination, and the objectives of the Minneapolis Civil Rights Ordinance. A minimum of six and a maximum of eight shall be lawyers. All members shall be residents of the City of Minneapolis.

Appointment Terms: The mayor and city council alternate yearly appointments of three or four commissioners respectively, to serve three year terms. A minimum of seven commissioners are appointed each year. Additional commissioners may be appointed in the event of a vacancy. All members shall continue to serve until their successors have been appointed.

Appointment/Vacancies: Persons are appointed to the Civil Rights Commission via the cities “Open Appointment Process” to insure a fair and unbiased selection for citizen participation. Minneapolis Code of Ordinance; Section 14.180.

Commission Standing Committees

Executive Committee: Consists of the officers of the Commission and the Chair of each standing committee. The Executive Committee shall meet monthly to set the agenda for the regular Commission meeting.

Public Relations and Education: Responsible for creating a public image for the Commission and educating the various constituent communities about the commission; monitors treatment of protected classes within the educational system.

Standards and Procedures: Monitors and revises Commission internal procedures and external rules and procedures.

Contract Compliance: Reviews and evaluates quarterly reports from the Civil Rights Departments Contract Compliance Unit.

The Commission from time to time may establish additional committees or task forces as it deems appropriate. Committees may schedule regular meetings.

How a Complaint of Discrimination Reaches the Minneapolis Civil Rights Commission

One of the duties of the Commission is to hear complaints of discrimination that the Minneapolis Civil Rights Department has determined to have “Probable Cause,” or to review a “No Probable Cause” determination made by the Department that was appealed by a Complainant.

No Probable Cause Review:

If a complaint of discrimination receives a “No Probable Cause” finding from the Minneapolis Department of Civil Rights [called a “final determination”], and the Complainant files an appeal with the Commission, the Commission will review the Department’s file on the complaint. If the Complainant wants to have an oral argument on the appeal, he or she must include such a request in the notice of appeal. If the Complainant presents newly discovered material evidence of discrimination that had not been considered by the department, the Commission will grant an oral argument. Regardless of whether or not an oral argument is granted, a panel of three Commissioners, called a “Review Committee,” will review the Department’s record in a light most favorable to the Department’s determination. After the review, the Review Committee can sustain the Department’s determination, remand the complaint for further investigation, or revise the Department’s determination.

The Complainant may bring a civil action in district court forty-five days after the Review Committee has dismissed the charge.

Probable Cause Hearing:

If a complaint receives a “Probable Cause” Final Determination by the Department of Civil Rights and the Department’s attempts to conciliate the matter are unsuccessful, the Department will refer the complaint to the Commission for a Probable Cause Hearing. An attorney member of the Commission, two other Commissioners, and one alternate will be assigned by the Chair of the Commission to be the hearing panel for the complaint [called the “Hearing Committee”].

The attorney commissioner [called the “Presiding Commissioner”] will hold a Pre-hearing Conference, where the parties will be given the opportunity to settle the case. If settlement is not reached, the Presiding Commissioner will set the dates for the discovery, motion deadlines, mediation opportunities, and the hearing date at the Pre-Hearing Conference.

A public hearing will be held before the Hearing Committee where the members of the Committee will receive and consider evidence presented by the Complainant, Respondent, and/or their legal representatives. The Committee will then issue and order containing its findings of fact, conclusions of law and an order for judgment, deciding whether or not the Respondent engaged in discrimination, and, if so, what damages the respondent shall pay and/or what action must be taken by the Respondent to address the discrimination and make the Complainant whole.

A party appealing the decision of a Hearing Committee may seek judicial review by filing a petition for a writ of certiorari with the Minnesota Court of Appeals, as provided in Minnesota Statutes §§ 14.63-14.68.

Contract Compliance Panel:

If the Minneapolis Department of Civil Rights determines there is Probable Cause to believe that a contractor with the City of Minneapolis is not in compliance with the Minneapolis Civil Rights Ordinance, the Director may refer the complaint to the Minneapolis Civil Rights Commission for a hearing. The Commission Chair will then assign a Contract Compliance Panel of three Commission members to hear the charge under Minneapolis Code of Ordinance, Section 139.50(b). The panel will hold a public hearing on the charge within 30 days from the referral by the Director, and will receive evidence from the Director and Respondent at the hearing. The panel will then make findings with respect to the contract, ordinance provisions, affirmative action plan or women and minority business enterprise plan, and will order final action, including imposition of sanctions against the Respondent under Minneapolis Code of Ordinance; Section 139.50(a)(7).

GLOSSARY

Community Forum - A meeting of members of the Commission with members of the general public, elected/appointed officials, city departments, news media, and others to exchange information, educate, etc.

Complainant - A party for or on whose behalf a complaint alleging discrimination has been filed or issued.

Complaint - A formal written charge of discrimination against a party.

Conciliation - A forum in which the Minneapolis Department of Civil Rights attempts to make a compatible resolution of the case on the complainant's behalf following a determination of Probable Cause.

Discovery - The pre-hearing disclosure of pertinent facts or documents by one or both parties to a Probable Cause matter before the Commission.

Documentation - Providing records to substantiate the Complainant's or Respondent's position.

Final Determination - When the Director of the Minneapolis Civil Right's Department determines if there is "Probable Cause or "No Probable Cause" to support a finding of discrimination as defined by the Minneapolis Civil Rights ordinance. The director can also dismiss the case for "lack of merit" or for being "outside the jurisdiction of the department."

Hearing Committee - A panel of three Civil Rights Commissioners appointed by the Commission Chair to hear a Probable Cause discrimination complaint referred to the Commission by the Minneapolis Department of Civil Rights. One panel member must be an attorney, and this person serves as the panel chair called the "Presiding Commissioner."

Investigation - The process by which the details of the complaint are checked and verified by the Minneapolis Civil Rights Department.

Mediation - A forum in which a neutral third party facilitates communication between parties to promote a settlement.

No Probable Cause ["NPC"] - A final determination by the Director of the Minneapolis Department of Civil Rights that there is not enough evidence of discrimination, as defined by the Minneapolis Civil Rights Ordinance, to support a complaint of discrimination.

Order - A written direction issued by the Minneapolis Civil Rights Commission or Presiding Commissioner.

Presiding Commissioner - The attorney Commissioner assigned the Commission Chair to a panel or committee, and serves as the panel or committee chair.

Probable Cause [“PC”] - A final determination by the Director of the Minneapolis Department of Civil Rights that there is sufficient evidence of discrimination as defined by the Minneapolis Civil Rights Ordinance.

Pre-Trial/Hearing Motion - A written application request to the Presiding Commissioner stating the facts and legal grounds for the motion and the relief sought.

Respondent - A party against whom a complaint alleging unlawful discrimination has been filed or issued.

Review Committee - A panel of three Minneapolis Civil Right’s Commissioners, one of which is an attorney who serves as the panel chair, appointed to review the Minneapolis Department of Civil Rights file after a complainant has appealed a No Probable Cause determination.

Oversight/Monitoring

1. Review and evaluate quarterly reports from the Civil Rights Department Director on contract compliance. Hold quarterly public forums on contract compliance activities.
2. Work with the City Council and all city departments to support compliance with the Civil Right’s Ordinance.
3. Annually review City wide Affirmative Action plans. Bi-Annually review progress towards the goals and objectives of the plan.
4. Work with the City Coordinator and Human Resources to implement and enforce the Affirmative Action Plan.

REVEREND DR. MARTIN LUTHER KING, JR. ESSAY CONTEST

The Minneapolis Civil Right's Commission, in partnership with the Mayor's office, the City Council, the Civil Right's Department, the Minneapolis Public Schools, and the League of Minnesota Human Rights Commissions, sponsor an annual essay contest to honor the memory of the Reverend Doctor Martin Luther King, Jr.

In August of each year the Minneapolis Civil Rights Commission receives an essay topic and question from the League of Minnesota Human Rights Commissions. All essays are to be based on the Universal Declaration of Human Rights, the Bill of Rights, and the Minnesota Human Rights Act.

This topic and question is delivered to the Minneapolis Board of Education and each sixth, seventh, and eighth grade school both public and non-public in early September.

The contest is open to all Minneapolis sixth, seventh and eighth grade students. Each student may submit one entry. Essays must be from one to three pages in length and will be evaluated using the following criteria:

- the essay must be related to the assigned topic and have a central idea that is clearly expressed;
- the essay must contain proper grammar, spelling and punctuation;
- the essay must be written in English.

Essay winners will be notified in December. The winners will receive a US Savings Bond which will be presented at an awards ceremony in City Council Chambers in January near the Reverend Dr. Martin Luther King, Jr. Holiday.

The first place winners will have his/her name added to a plaque commemorating their selection as the winner. This plaque is displayed in the Rev. Dr. Martin Luther King, Jr. conference room on the second floor of the Minneapolis City Hall: 350 South Fifth St. Minneapolis, MN.

The first place winners will have their essay entered into the League of Minnesota Human Rights Commissions' state wide essay contest honoring the Reverend Doctor Martin Luther King, Jr.

NOTES: